

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICK D. LANGE, as Chapter 7 Trustee of  
the Bankruptcy Estate of TierOne  
Corporation;

Plaintiff,

vs.

CHARLES W. HOSKINS, CAMPBELL R.  
MCCONNELL, GILBERT G.  
LUNDSTROM, EUGENE B. WITKOWICZ,  
JAMES A. LAPHEN, KPMG LLP,

Defendants.

**4:12CV3148**

**MEMORANDUM AND ORDER**

After conferring with the parties,

IT IS ORDERED that the plaintiff's motion for a planning conference, (filing no. 36), is granted, and

- 1) Any opposition to KPMG's motions to compel arbitration, (filing nos. 5, 13, and 42), and the FDIC's motion to intervene, (filing no.39), shall be filed on or before September 24, 2012. Any reply thereto shall be filed on before October 4, 2012.
- 2) The deadline for responding to the plaintiff's motion to remand and to abstain, (filing no. 30), is continued. Any response to the motion for remand or to abstain shall be filed on or before ten days following the court's (meaning the ruling of the district judge as and if required) ruling on KPMG's motions to compel arbitration and/or the FDIC's motion to intervene.
- 3) The deadline for filing an answer or response to the plaintiff's complaint is continued. The Defendants' answer or other responsive pleading shall be filed within thirty (30) days after the court (including any ruling by the district judge as required) resolves plaintiff's motion to remand this case.

September 10, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge